APPLICATION FOR CONSENT IN TERMS OF THE TITLE DEED CONDITION AND DEPARTURE: ERF 3525, CNR OF JONKERSHOEK, LANZERAC & LIBERTAS STREETS, KARINDAL, STELLENBOSCH

Application is made for:

1. The Administrator's consent to relax the restrictive title deed condition(s) contained in Title Deed No. T. 39622/2011, Clause D.6.(c)(d) in order to relax the restrictive title deed street building lines from 6.3m to 1.74m; 0.8m; 5.75m and 3.93m and common building line from 3.15m to 2.92m as well as the coverage from 33% to 35% (Attached as Appendix 1) to permit the application contained in paragraph 2 hereunder.

2. Departure in terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning By-Law dated 20 October 2015, to relax the street building line (Lanzerac Street) from 4.5m to 1.74m and 0.81m respectively for purposes of a double garage and swimming pool; the street building line (adjacent to Libertas Street) from 4.5m to 3.93m for extensions to the existing dwelling on Erf 3525, Stellenbosch as indicated in drawing no. A101, dated 19 July 2018 and drawn by Dekker Papendorf Architects (See Appendix 2);

3. The Director: Planning and Economic Development and simultaneously the Authorised Employee hereby approves, in whole your applications for consent to relax the applicable title deed condition(s) in terms of the relevant Title Deed and the application for departure(s) in terms of Section 60 of the Stellenbosch Municipal Land Use Planning By-law, on condition that;

3.1 The approval applies only to the applications under consideration in this application as noted above and shall not be construed as authority to depart from any other legal prescriptions or requirements from all other internal and external departments.
3.2 Building plans must be submitted, all applicable departmental recommendations be obtained and building plans be approved by this Municipality, prior to any building work commencing on site;

3.3 This approval in total becomes null and void if approval could not be obtained from Council’s internal departments, e.g. Fire Services, Engineering Services, Building Management, etc.

3.4 This departure approval shall lapse if not exercised within 5 years from date of final notification;

3.5 Council reserves the right to impose further conditions if deemed necessary.

4. Reasons for the above decision are as follows:

4.1 The adjacent affected property owner(s) granted their written consent and no further advertising was deemed necessary.

4.2 The proposed land use is in line with the zoning of the property.

4.3 All other land use parameters will still be complied with.

4.4 All other departments will still be afforded an opportunity to comment on the final building plan, which may result in the amendment of the approval.

4.5 The proposed departure would not negatively affect the aesthetic appearance of the structure, property or surrounding environment.

4.6 The subject application can for the above-mentioned reasons be supported from a land use management perspective, considering that all due administrative processes to make an informed decision has been complied with.

5. You are hereby informed of your right to appeal to the Appeal Authority in terms of section 79(2) and that all appeal submissions and processing must be in compliance with the procedures for appeals stipulated in section 80 of the said legislation.

6. If you intend to appeal, the appeal form must be completed and can be obtained from our Advice Centre; Land Use Management, Ground floor, Plein Street, Stellenbosch or the municipal website at www.stellenbosch.gov.za/planning portal, and should be directed to the Appeal Authority and received by the Municipal Manager at P O Box 17, Stellenbosch, 7599 or faxed to 021 886 6899, or hand delivered to the Advice centre, within 21 days of registration of this decision letter together with proof of payment of the appeal fee.

8. Kindly note the above decision is suspended and may therefore not be acted on until such time as the period for lodging appeals has lapsed, any appeal has been finalised and you’ve been advised accordingly.

Yours faithfully

[Signature]

THE AUTHORISED EMPLOYEE (TABISO MFeya)
DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT

03/07/2019
DATE
APPENDIX 1

Copy of Title Deed
TRANSPORTTAKTE

Hierby word bekend gemaak dat

Jacobus Petrus van Zyl
voor my verskyn het, REGISTRATEUR VAN AKTES te Kaapstad, hy die genoemde kompanant synde behoorlik daartoe gemagtig deur 'n Volmag aan hom verleen deur

Die Eksekutriese in die Boedel Wyle
JOHANNES NICHOLAS MALAN
Nommer 13675/2010

geteken te STELLENBOSCH op 12 APRIL 2011
EN GENOEMDE KOMPARANT het verklaar dat voormelde TRANSPORTGEWER
waarlik en wettig verkoope het op 1 MAART 2011, waarlik en wettig verkoope aan
CHRISTIAAN ERNST VAN DEN BERG en RENSCHA ALETTA VAN DEN BERG, by
privaat ooreenkoms, en dat hy, in sy voorgenoemde hoedanigheid hiermee in volle en
vrye eiendom sadeer en transporteer aan en ten behoeve van

1. CHRISTIAAN ERNST VAN DEN BERG
   Identiteitsnummer 770110 5076 083
   Getrou laat gemeenskap van goed

2. RENSCHA ALETTA VAN DEN BERG
   Identiteitsnummer 810621 0027 089
   Getrou laat gemeenskap van goed

hulle Erfgename, Eksekutores, Administrateurs of Regverkrygendes in volkome en vrye
eiendom,

ERF 3525 STELLENBOSCH. in die Munisipaliteit en Afdeling Stellenbosch,
Provincie Wes Kaap

GROOT: 1001 (EEN DUISEND EN EEN)
vierkante Meter

AANVANKLIK OORGEDRA kragtens Transportakte Nommer T 6243/1962 met Kaart Nr.
2846/1961 daarby aangeheg en GEHOU kragtens Transportakte Nommer T269/2009

A. ONDERHEWIG aan die voorwaardes vervat in gesegde Akte van Transport Nr.

B. ONDERHEWIG aan die terme van 'n servituut waarna verwys word in die
    endossement gedateer 7 Desember 1909 op Transportakte Nr. 3832 gedateer 1
    Augustus 1892, wat as volg lees:

"BY a Deed of the 15th September and 29th October 1909, a right of way over
this property 4.72 metres wide has been granted to the Municipality of
Stellenbosch for the purposes of inspection and maintaining a line of pipes, as will
more fully appear on reference to the copy annexed."

C. Nie Onderhewig aan voorwaarde C (a) op bladsy 2 en 3 van Akte van Transport
   Nr T269/09 vanweë Artikel 53 van die Myn Titels Registrasie Wysigingswet Wet
   Nr 24 van 2003.

"(a) ..........................................

(b) The right to take land to remove materials for making and repairing public
    roads

Certificate of Mineral Rights No. 245/54 issued on 22nd November 1954."
ONDERHEWIG VERDER aan die volgende voorwaardes vervat in gesegde
Transportakte Nr. T6243/1962, opgeëtel deur die Administrateur van die Provisie
Kaap die Goeie Hoop tydens goedkeuring van die stigting van gesegde
dorpsgebied, naamlik:

1. Any words and expressions used in the following conditions shall have the
   same meaning as may have been assigned to them by the regulations
   published under the Provincial Administration Notice No. 383 dated 13th
   June 1958.

2. In the event of a Town Planning Scheme or any portion thereof applying or
   being made applicable to this erf, any provisions thereof which are more
   restrictive than any condition of title applicable to this erf shall take
   precedence. Furthermore nothing in these conditions shall be construed
   as overriding the provisions of Section 146 of Ordinance No. 15 of 1952,
   as amended.

3. The owner of this erf shall without compensation be obliged to allow
   electricity and water pipes and mains and the sewage and drainage
   including stormwater of any other erf or erven inside or outside this
   township to be conveyed across the erf if deemed necessary by the local
   authority and in such manner and position as may from time to time be
   reasonably required. This shall include the right of access to the erf at any
   reasonable time in order to construct, maintain, alter, remove or inspect
   any sewer or manhole, channel, conduit or other works pertaining to the
   above.

4. The owner of this erf shall be obliged without compensation to receive
   such material or permit excavation on the erf, as may be required to allow
   use of the full width of the street and provide a safe and proper slope to its
   bank owing to difference between the levels of the street as finally
   constructed and the erf, unless he elects to build retaining walls to the
   satisfaction of and within a period to be determined by the local authority.

5. No building on this erf shall be used or converted to use for any purpose
   other than that permitted in terms of these conditions.

6. This erf shall be subject to the following conditions, provided that on
   consolidation of any two or more erven, these conditions shall apply to the
   consolidated area as one erf, and provided further that where, in the
   opinion of the Administrator after consultation with the Township Board
   and the Local Authority, it is expedient that the restriction in any such
   condition should at any time be suspended or relaxed, he may authorise
   the necessary suspension or relaxation subject to compliance with such
   conditions as he may impose.
(a) it shall not be subdivided;
(b) it shall be used only for the purpose of erecting thereon one dwelling together with such outbuildings as are ordinarily required to be used therewith;
(c) not more than one third of the area thereof shall be built up;
(d) no building or structure or any portion thereof except boundary walls and fences shall be erected nearer than 6.30 metres to the street line which forms a boundary of this erf nor within 4.72 metres of the rear or 3.15 metres of the lateral boundary common to any adjoining erf, provided that in the full discretion of the local authority it may permit an outbuilding not exceeding 3.15 metres in height, measured from floor to the wall plate, to be erected within the prescribed rear space and with the above prescribed lateral space for a distance of 9.45 metres reckoned from the rear boundary.

E. ONDERHEWIG VERDER aan die volgende speciale voorwaardes vervat in gesegde Transportakte Nr. T6243/1962, opgelê deur die KARINDAL ESTATES (EIENDOMS) BEPERK, as eienaar van die restant van Karindal Dorpsgebied onder Transportakte Nr.T15962/1958 tot sy voordeel en die voordeel van sy opvolgers in titel, naamlik:

1. Plans of all dwelling houses and outbuildings to be erected on this erf and of alterations to any buildings already erected, including separate drainage and sewerage plans, elevations and specifications in duplicate, with an architect's or quantity surveyor's estimate of cost of construction, must be submitted to the said Company and the Local Authority and the Company's written approval obtained before any such buildings or erections or structures are commenced by the owner of the erf. The approval of the said plans shall be subjected to any conditions in regard thereto which the Company may wish to impose so as to ensure the harmonious and attractive development of the entire Township. The Company shall have the right to decide as to the suitability of any design and the Elevation and location of any proposed building and of the soundness of the proposed construction. The Company however, does not in any way whatsoever accept any legal responsibility arising directly or indirectly from plans which it approved, nor shall the Company make any charge for scrutinizing such plans. In the event of the Company refusing to sanction a proposed erection in terms of the foregoing provisions, the owner shall have the right to refer the matter to the Local Authority whose decision shall be final.

2. The amount of the final cost for the erection of any dwelling house and outbuilding on the erf shall not be less than Pounds 3,500 unless the written consent of the said Company has been obtained for the erection of such house and outbuildings at a lesser cost.

3. No night-soil, refuse, slopwater or other waste or offensive matter shall be allowed to accumulate on any portion of this erf. If the purchaser fails to
comply with this condition, the Company shall be entitled to remove such night soil, refuse, slopwater or other waste or offensive matter as it may deem desirable and to recover the cost of the removal thereof from the Purchaser.

4. No sand, gravel, soil or other similar materials shall be removed from this erf without the written consent of the Company.

5. No electric generated plant, windmill, or wind-operated machinery shall be established on this erf without the written consent of the Company.

6. No galvanized iron or corrugated asbestos shall be used to enclose or fence the said erf, nor shall it be used for the construction of the roof or any portion of the building erected on the said erf. In the event of any fence or wall being erected on this erf, plans for such fence shall be submitted to the Company and the erection of the fence or wall shall be subjected to the Company's approval of such plans, always provided that the Company makes no charge for scrutinizing the aforesaid plans. The owner shall furthermore have the right of appeal to the Local Authority whose decision shall be final. If the Purchaser fails to comply with the condition, the company shall be entitled to remove any fence which it may deem undesirable and no in keeping with the general standards of the Township and erect such fence as it seem desirable and recover the costs of such removal and the provisions of the new fence from the purchaser.

7. The Transferee and his successors in title shall not be permitted to keep or maintain any fowls, ducks, or other animal which by reason of their smell or noise are liable to create a nuisance to the neighbourhood. Domestic pets of an inoffensive nature may be kept on the land.

8. The Transferee and his successors in title undertake to assist the Company in its efforts to maintain the high standard of the Township and, in particular, to assist in keeping the grass verge along the pavement immediately adjoining this erf in a neat and tidy condition, and protect such trees as may be planted in the pavement immediately adjoining this erf.

9. 

10. The said land or any buildings hereafter erected thereon shall not be used for the purpose of advertising or display nor shall the Purchaser permit to be displayed thereon any advertisements without the written consent of the Company. Such consent, if given may be withdrawn by the Company, in which event the Purchaser shall at once remove and discontinue the use of any advertisement to which the Company may object.

11. Washing may not be hung on boundary fences, but shall at all times be reasonably concealed from public view and hung on neatly constructed washing lines.

12. The above conditions may be enforced against the owner by Company as registered owner of the remainder of KARINDAL TOWNSHIP or by the registered owner of any land forming part of the said township whose transfer is subject to similar conditions.
WESHALWE die komparant afstand doen van al die regte en titel wat
Boedel Wyle JOHANNES NICHOLAS MALAN

voorheen op genoemde eiendom gehad het, en gevolglik ook erken het dat hy geheel en
al van die besit daarvan onthef en nie meer daartoe geregigt is nie en dat, kragtens
hierdie akte, bogeouemde

1. CHRISTIAAN ERNST VAN DEN BERG, Getroud soos vermeld
2. RENSCHA ALETTA VAN DEN BERG, Getroud soos vermeld

hulle Erfgename, Eksekuteurs, Administrateurs of Regverkrygendes, tans en voortaan
daartoe geregigt is, ooreenkomstig plaaslike gebruik, behoudens die regte van die Staat
en ten slotte erken hulle dat die verkoopprys die bedrag van R\textit{2 800 000,00} (Twee
Miljoen Agt Honderd Duisend Rand) beloop.

TEN BEWYSE WAARVAN ek, genoemde Registrateur, tesame met die Komparant
hierdie Akte onderteken en dit met die amptstel bekrachtig het.

ALDUS GEDOEN EN VERLY op die Kantoor van die REGISTRATEUR VAN AKTES te
Kaapstad op 22 JUL 2011

In my teenwoordigheid

REGISTRATEUR VAN AKTES
APPENDIX 2

Proposed building plan